



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 966**

March 13, 1996 - Offered by COMMITTEE ON ENVIRONMENT AND UTILITIES.

1 **AN ACT to renumber and amend** 196.745 (1); **to amend** 196.745 (2) (a), 196.745  
2 (2) (c) 1. and 196.745 (3); and **to create** 196.745 (1) (b) of the statutes; **relating**  
3 **to:** facilities for the production, transmission or distribution of gas.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 **SECTION 1.** 196.745 (1) of the statutes is renumbered 196.745 (1) (a) and  
5 amended to read:

6 196.745 (1) (a) ~~Each public utility which~~ A person who owns, operates,  
7 manages or controls any facility for the production, transmission or distribution of  
8 gas shall construct, operate and maintain the facility in a reasonably adequate and  
9 safe manner. ~~The~~ Except as provided in par. (b), the commission may issue orders  
10 or rules, after holding a hearing, requiring the construction and operation of the  
11 facility to be safe, and may revise the orders or rules as required to promote public  
12 safety. ~~Upon~~ Except as provided under par. (b), upon complaint to the commission  
13 that a facility ~~of a public utility~~ is unsafe, the commission may proceed under s.  
14 196.26 or 196.28 (1). Sections 196.26 and 196.28 (1), as they apply to a public utility,

1 apply to a person under this subsection. After holding a hearing the commission  
2 shall order any alteration in construction, maintenance or operation required in the  
3 interest of public safety.

4 **SECTION 2.** 196.745 (1) (b) of the statutes is created to read:

5 196.745 (1) (b) Paragraph (a) does not authorize the commission to do any of  
6 the following:

7 1. Issue an order or rule regarding the construction and operation of, or proceed  
8 under s. 196.26 or 196.28 (1) against, a propane gas distribution system that is not  
9 a public utility.

10 2. Unless specifically authorized by the federal department of transportation,  
11 proceed against an interstate pipeline company under s. 196.26 or 196.28 (1).

12 3. Issue an order or rule requiring prior approval for the construction of a  
13 facility for the production, transmission or distribution of gas.

14 **SECTION 3.** 196.745 (2) (a) of the statutes is amended to read:

15 196.745 (2) (a) Any person violating sub. (1) (a), or any order or rule issued  
16 under sub. (1) (a), shall forfeit an amount not exceeding \$25,000. Each day of  
17 violation is a separate violation of sub. (1) (a). No person may forfeit an amount  
18 exceeding \$500,000 for a single persisting violation of sub. (1) (a) or any order or any  
19 rule issued under sub. (1) (a).

20 **SECTION 4.** 196.745 (2) (c) 1. of the statutes is amended to read:

21 196.745 (2) (c) 1. The appropriateness of the forfeiture to the size of the  
22 business violating sub. (1) (a).

23 **SECTION 5.** 196.745 (3) of the statutes is amended to read:

24 196.745 (3) The commission may seek injunctive relief for a violation of sub.  
25 (1) (a) or any order or rule issued under sub. (1) (a). The commission shall notify any

1 person against whom the commission contemplates taking an action. The  
2 commission shall allow the person to present his or her views and shall give the  
3 person a reasonable opportunity to achieve compliance unless the person knowingly  
4 and wilfully violates sub. (1) (a) or any order or rule issued under sub. (1) (a). The  
5 failure of the commission to give notice and opportunity to comply shall not preclude  
6 the granting of appropriate relief. The circuit court for Dane county has jurisdiction  
7 under s. 196.44 (3) to enforce sub. (1) (a) and to grant injunctive relief under this  
8 section.

9 (END)